



Appeal Decision

Site visit made on 22 October 2019

by D Hilton-Brown BSc (Hons) CIEEM

an Inspector appointed by the Secretary of State

Decision date: 2nd December 2019

Appeal Ref: APP/N5660/W/19/3234985

237B Streatham High Road, London SW16 6EN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Harpreet Singh against the decision of London Borough of Lambeth.
 - The application Ref 19/01862/FUL, dated 23 May 2019, was refused by notice dated 17 July 2019.
 - The development proposed is the conversion of a 5-bed self-contained maisonette in House in Multiple Occupation (HMO) (Class C4) to provide 1 x 1 bed and 1 x 3 bed flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (i) whether the proposed development would provide acceptable living conditions for future occupiers, with particular reference to the provision of outdoor space; and
 - (ii) whether a planning obligation is necessary with regard to the proposed development's effects on local parking demand.

Reasons

3. The appeal site is located on the eastern side of Streatham High Road opposite Streatham Station. It is situated within the Streatham High Road and Streatham Hill Conservation Area.
4. It is a mid-terrace, three-storey building which forms part of a row of shops, on the ground floor, which front onto the main street. There is a residential ground floor flat to the rear of the shop front. Above the commercial units are three floors of residential flats, these are accessed from a door from the main street between the shop fronts. To the rear elevation is a large gated, hardstanding and car parking area, which is set below the level of the high street. There is a secondary access route into the residential flats from this area through the basement level.
5. The existing first floor up to loft level is presently a 5-bed House in Multiple Occupation (HMO). The appeal proposal would result in the conversion of this building into 2 self-contained flats; a three-bedroom flat on the first and second floors and a one-bedroom flat on the third floor and loft.

Living Conditions for Future Occupiers

6. No outdoor recreational space is provided at present for the existing occupants of the HMO. This development does not propose any outdoor space to serve the needs of the future occupiers of these proposed flats.
7. This does not comply with the Local Plan¹, which expects all development to provide outdoor space in accordance with the standards set out in Policy H5. This policy requires new flatted developments to provide communal outdoor space of at least 50m² per scheme, plus a further 10m² per flat. The background text to this policy clarifies that the amenity space standards apply to all new housing in Lambeth and this includes conversions as in this case.
8. The policy goes on to state that in exceptional circumstances, it may be possible to provide additional living space, of an equivalent area to the external amenity space within the dwelling. However, this development also fails to meet that exception.
9. The appellant states that the site is within easy walking distance of various parks and recreational grounds and therefore considers that outdoor space is not required as part of these proposals. However, these recreational areas are not in close proximity and would require a minimum of a 5-minute walk, which would involve negotiating busy streets. In addition, these areas would not provide private areas of outdoor amenity space.
10. Furthermore, the appellant references Policy H5, part B (iii) and H6, part B (ii), of the Local Plan, as having more flexibility, and more applicable to this appeal. However, I consider this development would also fail to comply with these sections of the policies. The background text for Policy H5 makes it clear that all new housing, including conversions must comply with the amenity space standards. Furthermore, the text for Policy H6, clarifies dwellings suitable for occupation by families means properties with ground-floor access to a rear garden. This development would be unable to comply with both sections of the respective policies. As it would not be on the ground floor or be able provide any garden area, with or without direct access.
11. The appellant references a local appeal² relating to the conversion of the upper floor of a public house (Camel and Artichoke) to residential flats. This case was allowed despite the scheme not providing suitable outdoor amenity space. However, this was a locally listed building and this appeal enabled the building to be brought back into full use, by allowing its conversion to flats. This provided 3 new flats which supported the aims of Policy H1 of the Local Plan in relation to optimising the housing potential of under-used or vacant sites in the area. This is not comparable with this case, where the building is already in use as a 5-bedroom HMO and is not listed. Therefore, the planning balance was in favour of the Camel and Artichoke development, as it outweighed the harm identified due to lack of outdoor amenity space.
12. The absence of adequate outdoor amenity space would therefore be detrimental to the living conditions of future occupiers of this development.

¹ Lambeth Local Plan, Adopted September 2015.

² App/N5660/W/17/3175814, 121 Lower Marsh, London SE1 7AE.

This would be contrary to Policy 3.5 of the London Plan³ and Policies H5 and H6 of the Lambeth Local Plan, the requirements of which I have set out.

Local Parking Demand

13. The Council refers to the need for an obligation under Section 106 of the Planning Act to secure the development as 'Car Parking Permit Free'. However, little evidence has been supplied to me to justify the need for this.
14. Indeed, the Council refer to the proposal being 'likely' to result in car parking pressure and then 'if' a controlled parking zone is implemented in the future. Given this lack of justification, I cannot conclude that the proposed development should be effectively car free and cannot therefore take into account in my decision any legal agreement purporting to achieve such an end.
15. That aside, even if the appeal scheme were to be a car free development and include acceptable measures to ensure such, my conclusions on the other main issue would be unaffected.

Other Matters

16. The appellant considers that the Council acted unreasonably and did not act in a positive and proactive manner to resolve the issues that arose and consider options to address them. This is a matter I can give limited weight to and remains a matter between the appellant and the Council. It would not have sufficient bearing on my other findings for my conclusions to change.
17. This development would be situated within the Streatham High Road and Streatham Hill Conservation Area (CA). However, the conversion would mainly involve reconfiguration of the internal layout of the building. There would be very limited changes to its exterior. The type of accommodation provided would not be unusual to the area. The effect of the proposed development on the CA was not a contentious matter in the appeal. Ultimately, and largely for the above reasons, the appeal scheme would not adversely affect the character or appearance of the CA, ensuring its reason for being is preserved.

Conclusion

18. Notwithstanding my findings in respect of car free housing, by virtue of my conclusions on how the appeal scheme would affect the living conditions of future occupiers, due to a lack of outdoor amenity space, the appeal is dismissed.

D Hilton-Brown

INSPECTOR

³ The London Plan, Spatial Development Strategy for London Consolidated with Alterations Since 2011. March 2016.